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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/068,199 | 02/05/2002 | Leo Gaglardi | CM-2501 | 7093 |
| 27752 | 7590 | 10/06/2004 | EXAMINER | |
| THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224 | | | KUMAR, PREETI | |
| | | ART UNIT | PAPER NUMBER | |
| | | 1751 | | |

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/068,199 | GAGILARDI ET AL. | |
| | Examiner | Art Unit | |
| | Preeti Kumar | 1751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Rejection after RCE

1. Claims 1-17 are pending. Claims 18-19 are cancelled.
2. Claims 1 and 16 are independent.

Response to Amendment

3. The rejection of claims 5 and 12 under 35 U.S.C. 112, second paragraph, is withdrawn in light of applicant's amendments to the claims.
4. The rejection of claim 16 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Terry et al. (US 5,259,848) is withdrawn in light of applicant's amendments to the claim to recite the pH.
5. The rejection of claims 1,3-17 under 35 U.S.C. 103(a) as being unpatentable over Terry et al. (US 5,259,848) in view of Boucher (US 3,929,662) is maintained for the reasons recited in the previous office action and further stated below. The examiner would like to point out that claim 16 has been added within the standing rejection of claims 1,3-15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Terry et al. (US 5,259,848) in view of Boucher (US 3,929,662) in light of applicants amendment incorporating the limitation to the same pH recited in previous claim 1.
6. The rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Terry et al. in view of Boucher as applied to claims 1,3-17 above, and further in view of Grippaudo et al. (US 6,403,547) is maintained for the reasons recited in the previous office action and further stated below.

Response to Arguments

7. Applicant's arguments filed December 30, 2003 have been fully considered but they are not persuasive.

Applicants urge that Terry et al. do not teach a composition having a pH between 0 and 6.5. However, contrary to applicant's arguments, Terry et al. teach that the pH of the composition is approximately 7.0. See col.2, ln.64. Furthermore, the rejection of record is made in combination with Boucher (US 3,929,662). Boucher teach cleaning compositions comprising fluorinated and/or perfluorinated compounds at a pH of 3-9 preferentially provides satisfactory sporicidal action both with fluoro and perfluoro chemicals. See col.8, ln.63-65. Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a cleaning composition comprising a fluorinated compound having a pH between 0 and 6.5 as recited by the instant claim 1, because the teachings of Boucher suggest a cleaning composition comprising a fluorinated compound having a pH in the range of 3 to 9 provides satisfactory sporicidal benefits and Terry et al. provide motivation to lower the pH in general. See the previous office action. Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Also, applicants urge that the combination of Terry et al. (US 5,259,848) with of Boucher (US 3,929,662) and Grippaudo et al. (US 6,403,547) is improper. Specifically,

applicant's urge that Terry et al teach a fluorinated composition comprising a large percentage of water for carpet cleaning while Boucher states that the fluorinated compositions are for use in a nonaqueous system with biocidal aldehydes. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Boucher is relied upon for the acidic pH of a cleaning composition comprising the same fluorinated components as taught by the primary reference. It would have been obvious to one of ordinary skill in the art to combine the teachings of Terry et al. with that of Boucher because both teach a process of cleaning inanimate surfaces with similar fluorinated compounds. Also, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Terry et al. with Grippaudo et al. since both provide motivation and suggestion to remove the cleaning composition after the stain has been removed or the area being cleaned has dried.

Conclusion

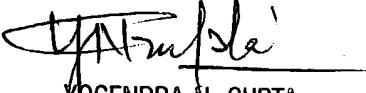
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Examiner Preeti Kumar
Art Unit 1751